IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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ORDER

Bhilwara Zila Dugdh Utpadak Sahkari Sangh Ltd.
vs
Shakir Ahmed Soori & Anr.

S.B. CIVL WRIT PETIITON NO.4617/2006 UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER : 29th August, 2006

PRESENT

HON'BLE MR.MOHAMMAD RAFIQ,J.

Mr.Harish Purohit, Advocate, for the petitioners.

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BY THE COURT: -

This writ petition has been filed against the order dated 9.12.2004 passed by the Labour Court, Bhilwara whereby an application under Section 33-C(2) of the Industrial Disputes Act, 1942 filed by the respondent-workman was allowed and the petitioner Management was directed to pay to the said workman a sum of Rs.1,02,455/- as outstanding salary and another sum of Rs.9,669/- as outstanding amount of the provident fund and

contribution towards this provident fund with interest @ Rs.7% per annum. In fact, the learned labour court by the impugned order has merely computed the benefits, which are payable to the respondent-workman pursuant to an earlier award passed by it in labour case no.84/95 on 16.10.1999. In the said award, the respondent-workman was held entitled to salary and other allowances for the period from 19.3.1993 to 11.9.1996. The only ground on which the impugned award was challenged in the present writ petition is with regard to pendency of S.B. Civil Writ Petition No.4186/1999 before this Court in which challenge has been made to award dated 16.10.1999, referred supra.

On being asked,Shri Harish Purohit, learned counsel for the petitioner candidly admitted that there was no stay order passed by this Court on the execution and implementation of the award dated 16.10.1999. The impugned award passed by the learned labour court on the application filed under Section 33-C (2) of the Act of 1947 is only consequential to the award dated 16.10.1999 passed by it. The petitioner has already availed alternate remedy against such award by filing writ petition, which also provide the remedy of praying for stay of the execution of the award.

This Court in the aforesaid circumstances, do not deem it

appropriate to pass any interim order in favour of the petitioner. They cannot be permitted to seek same relief by way of filing second writ petition.

Thus, the writ petition being not only misconceived but devoid of any merit is hereby dismissed.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-